

US Pat Ser No. 10/668,070



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Blount

Serial No.: 10/668,070

Filing Date: 9/22/2003

Art Unit: 3682

November 15, 2004

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.182

Dear Sir:

Applicant responds herein to the NOTICE OF OMITTED ITEMS IN A
NONPROVISIONAL APPLICATION mailed September 16, 2004. Applicant is
responding within the two-month response time set forth in the NOTICE.

On September 22, 2003, applicant submitted by US Express Mail a non-provisional
patent application. The application contained 6 drawing sheets. The NOTICE states Fig
5 was missing.

Applicant submits the following for consideration:

1. Return receipt postcard stamped by the USPTO acknowledging receipt of
the application. Item number 6 refers to "6 drawing sheets." Applicant

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01 FC:1460

130.00 DP

submits that the Patent Office, in stamping the acknowledgment card, received 6 drawing sheets.

2. Applicant further is submitting the identical 6 drawing sheets. Each sheet is labeled sequentially 1/6, 2/6 (one of six, two of six), etc. Applicant respectfully points out that sheet labeled 4/6 contains Fig 5 which was reported to be missing from the application.

Applicant asserts that all 6 sheets were submitted and requests the petition to include all the sheets submitted herein as part of the application as currently pending, with a filing date of September 22, 2003 be granted

Applicant is submitting the \$130 petition fee.

Applicant further requests refund of the petition fee on the grounds that the applicant was not responsible for the missing drawing sheet and that all the drawing sheets were submitted to the Patent Office on September 22, 2003.

Accordingly, applicant believes the evidence provided herein supports the petition in response to the NOTICE OF OMITTED ITEMS IN A NONPROVISIONAL APPLICATION mailed September 16, 2004.

Adjustment date: 02/07/2005 AKELLEY
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Refund Ref:
02/07/2005 AKELLEY 0000141940

CHECK Refund Total: \$130.00

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If the Patent Office believes a telephonic communication would expedite resolution of this matter, invitation is extended to contact the undersigned representative who is agent of record in this case. Favorable granting of the petition is earnestly solicited.

Respectfully submitted,

 11/15/2004

David W. Barman
Reg. No. 47,225
Agent for applicant

David W. Barman
1101 NE 176 Terrace
North Miami Beach FL 33162
305-332-4089

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to

Mail Stop-Petitions
Commissioner of Patents
Box 1450
Alexandria VA 22313-1450

On 11/15/2004
(Date)

Typed or printed name of person signing this certificate

David W. Barman

Signature



UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>2-4-05</u>		2 Serial/Patent # <u>10/668,070</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
	Amendment			\$
	Extension of Time			\$
	Notice of Appeal/Appeal			\$
<input checked="" type="checkbox"/>	Petition	1FW	11/18/04	\$ 130. ⁰⁰
	Issue			\$
	Cert of Correction/Terminal Disc.			\$
	Maintenance			\$
	Assignment			\$
	Other			\$
		7 TOTAL AMOUNT OF REFUND		\$
		8 TO BE REFUNDED BY:		
		<input checked="" type="checkbox"/>	Treasury Check	
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10 REASON:				
	Overpayment			
	Duplicate Payment			
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11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>DEREK L WOODS</u>		TITLE: <u>Attorney</u>		
SIGNATURE: <u>Derek L Woods</u>		PHONE: <u>571-272-3232</u>		
OFFICE: <u>Rebtoons</u>				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****				
APPROVED: <u>[Signature]</u>		DATE: <u>2/7/05</u>		

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